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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/597,146	06/20/2000	Daiki Kadomatsu	862.C1941	5114

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EXAMINER

SHINGLES, KRISTIE D

ART UNIT PAPER NUMBER

2141

DATE MAILED: 12/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/597,146

Applicant(s)

KADOMATSU, DAIKI

Examiner

Kristie Shingles

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 32-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 32-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Per Applicant's Request for Continued Examination:

*Claims 1-31 have been cancelled. Claims 32-34 and 36-40 have been amended.
Claims 32-40 are pending.*

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/23/2005 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 32-40 filed on 2/11/2005 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. **Claims 32-40** are rejected under 35 U.S.C. 103(a) as being unpatentable over *Reifman et al* (USPN 5,917,615) in view of *Nishida et al* (USPN 6,972,858).

a. **Per claim 32, *Reifman et al* teach a color facsimile apparatus comprising:**

- reading means for reading an image (col.8 lines 50-60, col.59 lines 1-8);
- generating means for generating image data representing the image (col.24 lines 32-57 col.26 lines 9-11, col.49 lines 16-22, col.64 lines 27-30);
- embedding means for embedding transmission information for a header or footer in a unit of extracted data extracted by said extracting means when the unit of the extracted data is a unit in which the transmission information should be embedded (col.20 lines 28-67, col.43 line 65-col.44 line 7, col.59 lines 19-67);
- compressing means for executing compression processing for each unit of the extracted data including the unit of the extracted data in which the transmission information is embedded after embedding the transmission information by said embedding means (col.20 line 65-col.21 line 4, col.42 lines 42-45, col.59 lines 19-67; the digital cover page is a bit-map which includes embedded transmission data and is compressed);
- storing means for storing compressed data by said compressed mean in a memory (col.2 lines 29-55, col.9 line 64-col.10 line 7, col.48 lines 55-60 and 63-65); and
- transmitting means for transmitting a JPEG image data based on the compressed data stored in the memory (col.9 line 64-col.10 line 7, col.19 lines 29-63, col.43 lines 30-35, col.55 line 63-col.56 line 37).

Although *Reifman et al* teach use of well-known data compression routines (col.21 lines 1-3), *Reifman et al* fail to explicitly teach extracting means for extracting data from the image data in minimum processing units for JPEG compression processing and the compression means for JPEG compression. However, *Nishida et al*

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teaches reading an image (col.6 line 66-col.7 line 11) and extracting data from the image for JPEG compression (col.8 lines 12-14 and 29-36).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of *Reifman et al* and *Nishida et al* for the purpose of including JPEG compression as a compression routine used to compress images. The use of JPEG compression in the art is widely known and is common for compressing images prior to storage or transmission, in order to reduce the size of the image file being transmitted and to save space in the storage memory.

b. **Claims 36-40** contain limitations that are substantially similar to claim 32 and are therefore rejected under the same basis.

c. **Per claim 33**, *Reifman et al* and *Nishida et al* teach the color facsimile apparatus according to claim 32, *Reifman et al* further teach the color facsimile apparatus further comprising buffering means for successively storing the image data generated by said generating means in a buffer, and wherein said extracting means extracts data of a predetermined number of lines corresponding to a unit from the buffer (Abstract, col.1 lines 41-43, col.3 lines 18-24, col.23 lines 31-52, col.34 lines 39-41, col.36 lines 28-63, col.48 lines 42-47; *Nishida et al*: col.6 lines 21-23, col.7 lines 42-58).

d. **Per claim 34**, *Reifman et al* and *Nishida et al* teach the color facsimile apparatus according to claim 32, *Reifman et al* further teach the color facsimile apparatus further comprising determining means for determining whether the unit of the extracted data is the unit in which the transmission information should be embedded, and wherein said embedding means embeds the transmission information in the unit of the extracted

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data according to a determination of said determining means (col.43 line 65-col.44 line 23, col.59 line18-col.60 line 6).

e. **Per claim 35**, *Reifman et al* and *Nishida et al* teach the color facsimile apparatus according to claim 32, *Reifman et al* further teach wherein the transmission information indicates at least one of a date, a time, and a number of pages (col.59 line18-col.60 line 6).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: *Alam et al* (USPN 6,104,500), *Saito et al* (USPN 6,618,749), *Bando et al* (USPN 6,405,244), *Onuma* (USPN 6,493,105), *Lo et al* (USPN 6,425,001), *Yahiki* (USPN 6,512,593).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristie Shingles whose telephone number is 571-272-3888. The examiner can normally be reached on Monday-Friday 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kristie Shingles***Examiner******Art Unit 2141******kds***

RUPALI DHARIA
REGISTERED PATENT EXAMINER